S.B.Civil Writ Petition NO.55/2005

Bhagwana Ram & Ors.

vs

The State of Rajasthan & Ots.

DATE OF ORDER : - 6.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Kailash Khatri, for the petitioners.

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Heard learned counsel for the petitioners.

Vide order dated 10th June, 2004, the Executive Engineer passed the order to shift the Murrba No.180/441 measuring 21 Bigha in chack No.2GM. The said order was set aside in appeal by the Superintending Engineer vide order dated 18th August, 2004 and matter was remanded back to the Executive Engineer for deciding the dispute afresh. The Executive Engineer after remand and after giving opportunity of hearing to both the parties, carefully considered the facts afresh and found that the shifting as ordered by order dated 10th June, 2004 is just and proper in the interest of the cultivators. The order of the Executive Engineer was upheld by the Superintending Engineer by order dated 25th Oct., 2004.

The grievance of learned counsel for the petitioner is that the order dated 10th June, 2004 was set aside by Superintending Engineer in appeal by order dated 18th August, 2004, therefore, the order dated 10th June, 2004 could not have been restored.

I considered the submission of learned counsel for the petitioner and perused the orders. It is clear from the order dated 25th Oct., 2004 that the Superintending Engineer considered the reasons given by the Executive Engineer for holding that the shifting as done by the order dated 10th June, 2004 is just and proper and it is technically correct.

In view of the above, I do not find any force in the submission of learned counsel for the petitioner. Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-